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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,524	06/05/2000	Muro Costa	3-1-3	7397

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/22/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/587,524

Applicant(s)

COSTA ET AL.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 5-12 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Quick (U.S. Patent 5,673,259).

With respect to claim 1, Quick discloses a method of establishing a transmission to mobile station via a radio network (See i.e. 202, 110, 108A-108N of Fig.3), the method comprising: providing a paging message to the mobile station (See i.e. 304 paging message to 202 of Fig. 3); providing an indication of a radio service requirement (See i.e. bandwidth demand which is included in communication information, Co. 11, Lines 11-12,) to the mobile station, wherein paging message comprises the indication of the radio service requirement (See i.e. 304 paging message to 202 of Fig. 3, the first threshold level, which relates to bandwidth demand of user 202, Co. 11, Lines 20-21 & 32-37) and wherein radio service requirement comprises an indication of a desired amount (See i.e. the first and / or second threshold level, which relates to bandwidth demand of user 202 Co. 11, Lines 32-44) of at least a first network resource (See i.e. Co. 11, Lines 5-45).

Regarding claim 5, Quick discloses the indication of the radio service requirements (See i.e. the first and / or second threshold level, which relates to bandwidth demand of user 202 Co. 11, Lines 32-44) comprises properties of the cell capable (See i.e. a particular packet/paging channel, Assign\_Type, channel data rate (9600bps or 4800 bps)) of fulfilling the radio service requirement (See i.e. Co. 15, Lines 8-12 & 16-25).

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Regarding claim 8, Quick discloses wherein the indication of the radio service requirements (See i.e. the first and / or second threshold level, which relates to bandwidth demand of user 202 Co. 11, Lines 32-44) comprises at least a portion of at least one access value (See i.e. 208 from 202 to 108 and 306 to 110 of Fig. 3, Co. 11, Lines 5-45).

Regarding claim 9, Quick discloses the mobile station returns the at least one access value (See i.e. the first and / or second threshold level, which relates to bandwidth demand of user 202 Co. 11, Lines 32-44) to the radio network on an access channel (See i.e. 208 from 202 to 108 and 306 to 110 of Fig. 3, Co. 11, Lines 5-45).

Regarding claim 10, Quick discloses wherein the access channel is a random access channel (See i.e. random access channel 208 of Fig. 3).

Regarding claim 11, Quick discloses wherein the radio network comprises cells (See i.e. network 300, base stations 108A-108N of Fig. 3), and only cells capable of meeting the radio service requirement are measured in order to select one of them for use in the transmission (See i.e. Co. 11, Lines 5-45).

Regarding claim 12, Quick discloses wherein the mobile station uses the indication of the radio service requirement when making access to the radio network (See i.e. 214 of Fig. 3, Co. 11, Lines 5-45).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quick (U.S. Patent 5,673,259) in view of Basu (U.S. Patent 6,097,733).

With respect to claims 6-7, Quick disclosed everything as discussed above in claim 1. However, Quick does not explicitly teach the required bandwidth of a cell. In the same field of endeavor, Basu

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teaches the required bandwidth of a cell (See i.e. a the available wireless bandwidth provided by the base station 102 may be allocated and reallocated as is required to meet the minimum transmission rate for multimedia communications, Co. 5, Lines 10-25, Co. 6, Lines, 36-52). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Basu to Quick to facilitate to achieve desired bandwidth performance for operation and / or the radio service requirement as suggested by Basu (See i.e. Co. 1, Lines 15-16).

### **Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

  
**Kamran Afshar**

  
**ERIKA GABY**  
**PATENT EXAMINER**